

The Leesburg Planning Commission met on Thursday, January 5, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, David Fuller, Barbara Beach, Michael Freda, Nagi Elsewaissi, Bill Ackman and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Wright

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Wright
Commissioner Bangert
Commissioner Hoovler
Commissioner Kalriess
Commissioner Moore
Mayor Umstattd

Commissioners Burk and Barnes were absent.

ADOPTION OF AGENDA

Commissioner Moore moved to adopt the agenda as presented.

Motion: Moore
Second: Bangert
Carried: 4-0-3

Commissioner Kalriess was not present for this vote.

APPROVAL OF MINUTES

Commissioner Bangert moved to adopt the minutes of the December 1, 2005 meeting.

Motion: Bangert
Second: Hoovler

Commissioner Kalriess was not present for this vote, Commissioner Moore noted that he was not present at the December 1 meeting and would therefore abstain. As a result there was not a quorum. The action was deferred until next meeting.

CHAIRMAN'S STATEMENT

Chairman Wright reviewed the agenda stating that there would be a CIP presentation, Zoning and Special Exception Procedures, Annual Report and Election of Officers.

PETITIONERS

Ralph Perko of 709 Wirt Street came forward to request consideration of sidewalks on Davis Avenue from King to Dry Mill Road. Also, curbing on Wirt, First and Second Streets would be a nice improvement.

PUBLIC HEARING

None

ZONING

None

SUBDIVISION AND LAND DEVELOPMENT

None

COMPREHENSIVE PLANNING

None

COUNCIL AND REPRESENTATIVES' REPORT

Mayor Umstattd extended words of praise for Supervisor James Clem who strongly opposes the plan to build a new government center, most likely out of the town limits. He said the interests of the local businesses need to be protected and a move such as this would hurt them.

STAFF AND COMMITTEE REPORTS

Mike Freda, Budget Officer gave a presentation on the FY 2007-2011 Capital Improvements Projects. Basically there are 82 projects totaling \$116.1 million broken down as follows: General Fund – 64 projects (\$57.9 million); Utilities Fund (\$55 million); and the Airport Fund – 5 projects (\$3.2 million). He went on to point out the major projects. In the General Fund, major projects include Wayfinding signs, the Ida Lee Trail, Phase II, West Market Street sidewalk and drainage, Harrison Street sidewalk and drainage improvements, Fort Evans Road sidewalk and drainage improvements and the Edwards Ferry/Route 15 turn lane. In the Utilities Fund, the WPCF plant expansion and Water Supply plant expansion. The Airport Fund includes perimeter fencing. Lastly Mr. Freda explained the sources for financing.

Chairman Wright asked when the Public Hearing was scheduled. Mr. Freda responded that the Public Hearing would be on January 19th with the vote scheduled for February 2.

Mayor Umstattd had no comment except to ask that Mr. Perko's request be added on to the CIP.

Commissioner Bangert supported the curb and gutter project mentioned by Mr. Perko. She had some concern about the sidewalk on Davis Avenue because of the terrain and rights of way. She would like to see a study done on this. Regarding the Harrison Street trail, she asked if the Barber and Ross site hadn't proffered this. Chairman Wright said that yes, if approved, the project would be covered. Ms. Bangert asked if it was the whole project, or just a portion of it. Susan Swift said she thought it was the entire segment.

Mr. Kalriess joined the meeting at this point.

Commissioner Bangert went on to ask about the funds for Veterans' Park. Susan Swift responded that this depends on the chronology of boundary line adjustments in this area. Ms. Bangert asked about the relocation of the skate park. What happens to the old park. Mr. Freda responded that this area will be part of the Crescent District redevelopment and the land will probably become valuable. Moving this to the Ida Lee site makes the most sense. Ms. Bangert asked if this would be part of the Symington Funds? Mr. Freda said he was unsure. She went on to ask why the cost of ballfields has increased so much. Mr. Freda said it was because they will be all weather turf, not grass in order to maximize the use of the field. Chairman Wright said he heard that there might be a contribution from the Loudoun Youth Soccer Association. Mr. Freda said he had heard that but doesn't know where it stands. Mr. Wright said he thought this also included running water down to the fields. Ms. Bangert went on to ask about the timing of the Sycolin Road and Battlefield improvements. She realizes that the town will need to fund a portion of Battlefield between the Greenway and Route 15 S. Mayor Umstattd said that Mr. Mason's position is that any street on the Town Plan be part of the development process. Mr. Wright asked if this would be a half portion or the entire four-lane portion? Ms. Beach said that she thought part of this will be done by the Greenway. Mr. Wright said they will be doing a half part of this. Ms. Bangert said the Sycolin Road project should get some fund rearrangement because of the Bolen Park project. Nagi Elsewaissi commented that Sycolin Phase I is scheduled to start in the Spring. Sycolin Phase II will follow. Phase III is not as critical as the first two Phases. Lastly she addressed the street light at North Street and Edwards Ferry/Market Street. The costs are rising and she feels this should not be the town's responsibility.

Commissioner Moore asked about Capital Projects funds and their sources. Are they appropriated from the budget? Mr. Freda replied that yes, they are. What is the source of Trust Funds. Mr. Freda said that in this case they are the Symington Funds. Mr. Moore asked about Utilities funds and the Loudoun County Gas Tax. How are the numbers arrived at? Mr. Elsewaissi said that they project 20% from the County in gas tax. Mr. Moore asked about the bond ratings and how these projects would affect them. Mr. Freda responded that they keep the bond ratings in mind when they are setting out the budget. Lastly, Mr. Moore asked about the Ida Lee expansion and asked if use fees could offset some of the expense. Mr. Freda said that to an extent this could happen.

Commissioner Hoovler asked Mr. Fuller about the stop lights at Loudoun and King Street and whether staff is arguing against this. Mr. Fuller commented that they do support replacement of the stop lights, however, feel that the design of the lights and the pedestrian signals needs to be taken into consideration. Putting eight pedestrian signal controls in the area is too intense. The intersection is narrow and doesn't need all of that control. Mr. Elsewaissi said that they will consider the most appropriate design for the project. He went on to say that the pedestrian push buttons are a federal requirement. Mr. Hoovler went on to ask about the traffic circle proposed for Catocin Circle and North Street. Mr. Elsewaissi said that this is designed as a traffic calming effect in the area. Mr. Hoovler went on to ask about some projects that are specifically mentioned in relation to the Crescent District and others that are not. He asked that they are all mentioned if applicable. With regard to the Sycolin Road project, it doesn't mention the widening to the bypass with the flyover. Is there a plan for this? Mr. Elsewaissi said yes, there is a plan. Mr. Hoovler asked if this was a VDOT project and not one using town funds. At any rate, it should be mentioned. Mr. Hoovler went mention that he had heard that the state is suggesting reduction of road maintenance funds. Mayor Umstattd replied that yes, they are considering this, and it could have significant impact on the maintenance budget. Mr. Hoovler said this will impact the CIP and all of the projects mentioned. Mayor Umstattd provided a little more background on this and said the Council is requesting the state to consider not implementing this.

Commissioner Hoovler said on some projects there seems to be an overlap of funding into other years. Mr. Freda responded that the dates reflect fiscal year, not calendar year. He had more concerns about the bike trail along S. King Street from Davis Avenue to Governor's Drive. Mr. Elsewaissi explained that the trail will go in before the road widening so there will be some overlap. Mr. Hoovler had some further questions on streets that have no curb, gutter and sidewalks, and on the relocation of the skate park to Ida Lee.

Commissioner Kalriess had a question about the construction on the final piece of Battlefield Parkway from Rt. 15 to Evergreen Mill Road. Was this to be in the by right development. Ms. Beach said that the town's position is a pro rata share position. The impact on the road needs to be dealt with through the development of that property. Mr. Kalriess said if this is not built, then we would put it into the CIP in the future? Ms. Beach said eventually it could. Mr. Kalriess went on to ask how the budget is split up between the various departments. Mr. Freda said it was the desired projects and then the priority of those based on citizen wishes and necessity. Mr. Kalriess asked what would happen to the property of the skate park once it is relocated and could sale of the land help offset cost? Mr. Freda said they have no idea yet. Mr. Kalriess asked what the \$1.5 million for Ida Lee expansion would cover? Renovation of 50,000 s.f. would not be covered by this amount. He went on to ask if there were projects on last year's CIP that were combined or eliminated from this year's list. Specifically the overpass over the Rt. 15 Bypass. Mr. Elsewaissi said some were not funded so they do not have primary mention in this CIP. This particular project is still part of the CIP. There were some further questions on funding sources.

Mr. Kalriess asked about funding for the street lights and what would happen if the funding doesn't come through. Mr. Elsewaissi said that yes, eventually their replacement would become critical and funding will have to be found.

Chairman Wright asked what happened to the Chancellor Street trail? Mr. Freda said funds were set aside at one point, but were removed. Mr. Wright asked if this was still part of the Parks and Recreation Master Plan. The answer is yes. Next Mr. Wright asked about the bus shelters in the old and historic district. Was the design resolved by the BAR? Ms. Beach said they have inquired about a design being used by the Town of Vienna. Mr. Wright commented on the land acquisition for Ida Lee. He asked if the cost of the acquisition had been considered. Next he commented on the light at the corner at King and North Streets. Regarding Battlefield Parkway from Kinhead to Route 7 the numbers in the CIP don't seem right. Mr. Freda said funds will be appropriated to give to VDOT who will be building and funding this project. Referencing Tuscarora Creek and the flooding problems in some areas, Mr. Wright asked if there was a way to expedite projects to prevent flooding. Does the town need to do the Crescent District water features first?

Commissioner Bangert said that the Planning Commission had previously voted not to have any creek improvements delayed.

Chairman Wright said if they need to have a worksession to review and approve a water feature in the district they will so that flood projects can move forward quickly. Susan Swift said she did not think the master plan specifically addressed the water features and any worksessions would not have an impact on the schedule. Mr. Wright asked staff to confirm this and get back to the Commission.

Chairman Wright asked about the Wage Drive project and if the schedule had slipped from last year's CIP. Mr. Elsewaissi said they have done the drainage study and yes, the project has slipped back. Mr. Wright asked what was causing the delay. Mr. Elsewaissi said the study indicated a more complex problem than originally thought, necessitating further review. Mr. Wright asked if the debt service load was going down. Mr. Freda responded that it is going down. Mr. Wright asked that the Commission be provided a chart indicating the percentage trend and the dollar trend of the debt service. Lastly Mr. Wright said there seems to be a delay in projects and asked whether this was due to volume or is the town taking on too much? Mr. Elsewaissi responded that it was a result of several different circumstances. Mayor Umstattd added that we have more CIP's than other larger jurisdictions.

Commissioner Moore asked if there was any consideration of removing the poles in the middle of the sidewalk on West Loudoun Street. Mr. Elsewaissi said they do review this periodically and work with Dominion Power to relocate the poles to a safer location.

Chairman Wright said that the CIP review will be on the next agenda as a public hearing.

Commissioner Bangert mentioned county CIP projects and their capital facilities requirements. Chairman Wright asked staff to come forward to briefly restate what the town is doing with this. Mayor Umstattd said there were several different approaches and a decision has not been arrived at. A comprehensive approach could take a long time, so recommendation is to focus on critical items. Mr. Wright said this would be on the retreat agenda.

OLD BUSINESS

Susan Swift briefly went through some revisions that were made to the flow chart as the result of input from Commissioners at the last meeting. The process is basically the same but has some formalization of meetings.

Commissioner Bangert asked what qualifies as a larger project, and how would a prospective applicant know that they might have a different process. Susan Swift said that would be determined at the preapplication meeting. How would the process change for a larger application. Commissioner Hoovler commented that the Commission could have more public hearings, they could break the project into various focuses such as transportation, uses, etc. Commissioner Hoovler said that currently there is a calendar, would this vary with a larger application? Ms. Swift said they can get extensions now, so the process would be similar. Ms. Beach said they would have to agree to an extension and it should be in writing. Ms. Bangert said they have had instances where extensions were granted at meetings. Ms. Beach said that the clerk's notes and the tape are considered as being in "writing".

Commissioner Kalriess thanked Ms. Swift for defining the process. He is still disappointed with the length of time it takes. The process has not been shortened. The minimum time for any special exception and rezoning is still six months, even if it is a simple application. Susan Swift responded that with the exception of large applications, the process works quite well. Most of the applications were approved within the calendar set out. If the applicant doesn't make revisions in timely fashion, there is nothing staff can do to expedite the schedule. Mr. Kalriess, an engineer, said that we have pretty rigid requirements. This jurisdiction is too rigid from an engineering perspective. If an application is deficient, he understands, but he would like to find a way to give applicants feedback earlier than one year. This burns money. During the process sometimes the conditions change and the application needs to start again. He has an applicant that is having trouble because the political climate has changed. An application that is a year old, then it is no longer valid. He asked how a deficient applicant can get the word earlier. Also, is there room to expedite an application. Ms. Beach responded that she had never seen the poor quality of applications as she has seen in Leesburg. The plats and applications are poor quality. Revisions are coming in incomplete. The word has it that they weren't required to do it right in Leesburg. The applications changed between the Commission and Council review. There has not been a message sent to applicants that they need to do it right. Therefore, the process cannot be expedited. Mr. Kalriess responded that he has applications in in Montgomery County and Loudoun County. He referred to an application he submitted to Loudoun County that had some problems,

however they accepted it quite quickly. He explained that the problem centered around trees on the property and whether they were surveyed by GIS or by tape, a minor issue. Ms. Beach said her issue is that eight out of ten plats that she has seen needed revision. She feels that if the applications come in right, multiple reviews will be avoided. Ms. Swift added that problems in applications were pointed out right at the start. Use issues were pointed out, they were problems that could not be fixed. If the applicant moves forward without correcting the issues, then they face a long process and a denial. This is not the fault of staff. Mr. Kalriess asked about the transportation portion and if it was part of the DCSM. Ms. Swift said it was straight out of the DCSM. Mr. Kalriess said he would like to meet with Ms. Swift and go through the checklists, from an applicant's point of view. Regarding process expedition he feels that applicants will need to consult with Commission or Council members to get a feel. He went on to say there are steps of the process that will be very helpful.

Commissioner Hoovler asked about the meeting and whether the applicant needs to be present. Ms. Swift said they are not always there. Mr. Hoovler said having all interested parties present would be a good idea. He also said they need to take into consideration the recent change to the bylaws.

Mr. Kalriess commented that a client is in the process of losing property because of a lack of knowledge of the process. He feels that it is essential that people be made aware of the process in a manner that is easily understood and available to them.

Chairman Wright commented that he liked the flowchart. He commented on how some other jurisdictions work hand in hand with economic development to expedite certain types of projects. This is something that could be considered in the future for Leesburg. If the expectation is set out up front, then the entire process is easier to navigate.

Commissioner Hoovler moved that staff move forward with the proposed rezoning/special exception process drafted January 5, 2006 and proceed with further planning.

Motion:	Hoovler
Second:	Moore
Carried:	5-0-2

Commissioner Moore recommended that the resubmittal fee be defined. Ms. Swift said they are working on that. Chairman Wright said that this would be discussed further at the Commission retreat.

NEW BUSINESS

Chairman Wright asked if they were going to review the meeting schedule this evening. Susan Swift replied that yes, they should. The Crescent District schedule is as follows: The consultants will present the draft plan on January 19th. The public hearing could be held on February 2, and on February 16th there could be the first worksession. Chairman

Wright polled the Commissioners to see if they wanted an immediate public hearing following the consultant's presentation. Option A is Feb 2 public hearing, Option B is to have several worksessions prior to the public hearing.

Commissioner Moore selected Option B. Commissioners Bangert and Kalriess, Option A. Commissioner Hoovler leaned toward Option B. Chairman Wright favored Option A, but asked whether the other commissions, EDC and BAR would be present at the meetings. Susan Swift responded that yes, they will be invited. There was some discussion on the timing of the public hearing with regard to notices. A joint worksession will be scheduled following the February 16th Planning Commission meeting.

Annual Report. Chairman Wright stated that the Mayor was very happy with the calendar that pointed out what the topics of the meetings over the past year were. Commissioners Hoovler, Kalriess, Bangert and Moore all felt the report was well written. Chairman Wright added that there should be some mention on the process improvements and the special UGA/JLMA subcommittee.

Commissioner Bangert moved to present the report to Council with the recommended amendment.

Motion: Bangert
Second: Hoovler
Carried: 5-0-2

Election of Officers. Chairman Wright said that the following positions needed to be elected: Chairman, Vice Chairman, Parliamentarian, Liaisons to Board of Architectural Review, Economic Development Committee, Standing Residential Traffic Committee and Environmental Advisory Commission.

Commissioner Bangert asked if this could be done all at once, proposing that the board remain as is.

Commissioner Bangert moved to vote all of the incumbent officers remain.

Motion: Bangert
Second: Moore
Carried: 5-0-2

Commissioner Bangert mentioned that the Tree Commission has completed their Master Plan. She said the Commission needs to initiate a plan amendment to incorporate this as part of the new Town Plan. Susan Swift said they are looking into this and said the first step would be for the Commission to see and review the plan.

ADJOURNMENT

The motion was made to adjourn at 9:50pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Kevin Wright, Chairman